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38. (NEW) The tube as set forth in Claim 37 wherein said crust provides an electrically insulated barrier.

REMARKS

An amendment was entered on December 16, 2002. The Examiner states that pursuant to this amendment, claims 4-8 and 10-20 are pending in this application. As the Examiner has withdrawn the previous §103(a) rejection and presented a new §103(a) rejection, Applicant is adding by this amendment new claims 21 and 22, which are equivalent to the cancelled claims 1 and 2.

Applicant has also cancelled pending claims 4-8 and 10-20 by this amendment and added new claims 23-38 which include the limitations of the pending claims 4-8 and 10-20. Therefore, cancelled claim 4 corresponds to new claim 23, cancelled claim 5 corresponds to new claim 24, cancelled claim 6 corresponds to new claim 25, cancelled claim 7 corresponds to new claim 26, cancelled claim 8 corresponds to new claim 27, cancelled claim 10 corresponds to new claim 28, cancelled claim 11 corresponds to new claim 29, cancelled claim 12 corresponds to new claim 30, cancelled claim 13 corresponds to new claim 31, cancelled claim 14 corresponds to new claim 32, cancelled claim 14 corresponds to new claim 33, cancelled claim 16 corresponds to new claim 34, cancelled claim 17 corresponds to new claim 35, cancelled claim 18 corresponds to new claim 36, cancelled claim 19 corresponds to new claim 37, and cancelled claim 20 corresponds to new claim 38.

Claims 4-8 and 10-20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Pending claims 4-7 depend on cancelled claim 1. Claims 4-7 have been cancelled by this amendment and new corresponding claims 23-26 have been added. These claims depend on new claim 21, overcoming the Examiner's rejection.

Claims 15-16 stand rejected under 35 U.S.C. §112 as the order of the steps are confusing. Claim 15 has been cancelled and its limitations have been added to new claim 29. Claim 29 has been written to claim the steps in successive order.

Claim 16 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite because of the language "a tube" in line 1. Claim 16 has been cancelled and new claim 34 has

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been added which include the limitations of claim 16. New claim 24 has been written to claim a method, overcoming the Examiner's rejection.

Claims 4-8, 10-14, and 17-18 stand rejected under 35 U.S.C. §103(a) as being obvious over Hsich (United States Patent No. 5,972,450) in view of Fotiou (United States Patent No. 5,368,885). Hsich discloses a metal tube 10 having an inner layer 12 and an outer layer 14. A substrate can be applied on the tube 10. As disclosed in column 2, lines 38 to 55, the inner layer 12 is a first polymeric material that provides chemical resistance and prevents corrosion, and the outer layer 14 is a second polymeric material that absorbs impact energy and eliminates mechanical vibrations and acoustic noises. The outer layer 14 is not bonded to the inner layer 12. Hsich further discloses that the metal tube 10 is used in automotive industry applications, such as brake lines, fuel lines, and transmission oil cooling lines. Fotiou discloses a method of applying a coating of powder and glass flake to produce a glass flake-containing finish. An initial opaque coating is applied to a substrate. An outer coating is then applied by powder coating to provide a decorative sparkle finish. The outer coating is a coating powder mixture that contains clear coating powder and glass flakes.

The Examiner contends it would be obvious to employ the coating of Fotiou on the tube 10 of Hsich to give the tube 10 a sparkle finish. There is no motivation or benefit to providing the coating of Fotiou on the tube 10 of Hsich. Applicant is claiming an epoxy coating including plastic particles that is applied on a metal tubing. In Hsich, the inner layer 12 is applied on the tube 10. There is no benefit to adding the decorative coating of Fotiou on the inner layer 12 of the tube 10 of Hsich because the inner layer 12 is covered by the outer layer 14. The outer layer 14 would cover the decorative coating, ruining the decorative purpose of the coating. There is no suggestion to combine Hsich and Fotiou, and Applicant's claims are not obvious.

Additionally, Hsich discloses that the tube 10 is used in automotive applications, such as in brake lines, fuel lines, and transmission oil lines. The Examiner states it would be obvious to employ the powder and glass flake coating of Fotiou in Hsich as it would be desirable to provide the tube 10 of Hsich with a decorative finish. However, the tube 10 of Hsich is disclosed as being used in automotive applications. There is no reason or benefit to make the tube 10 of Hsich decorative because the tube 10 is used in locations that are not visible. The automotive tube 10 of Hsich is used for functional reasons, and there is no reason to make the tube 10 more decorative.

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Additionally, the use of electroplated zinc is not a matter of engineering choice. There is no suggestion or motivation to combine these references, and Applicant's claims are not obvious.

Thus, claims 21-38 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

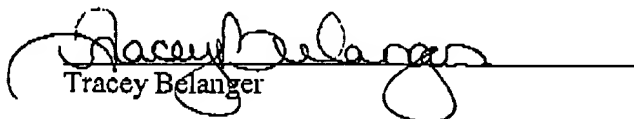


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